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Please reply to New Jersey

May 23, 2025

VIA ECOURTS FILING

Honorable Evelyn Padin, U.S.D.J.
Clerk, United States District Court - Newark
Martin Luther King Jr. Federal Building &
U.S. Courthouse 2 Federal Square
Newark, NJ 07101

RE: **JESSICA KRATOVL AND BRIAN RAK VS. PISCATAWAY TOWNSHIP**

Our File No. : 95781 WSB
Docket No. : 2:24-CV-10661

Dear Judge Padin:

This firm serves as counsel to the Defendant, Piscataway Township, in the above matter. We have reviewed Plaintiff's Amended Complaint. Pursuant to Your Honor's judicial preferences, we submit this request for another pre-motion conference regarding Defendant's intention to proceed with their Motion to Dismiss Counts I, II and III of Plaintiff's Amended Complaint with prejudice for failure to comply with the notice requirements of the Tort Claims Act.

We wish to briefly supplement our previous submission to include two additional points of law related to the concept of "substantial compliance" in the context of tort claims notice, particularly as it relates to Plaintiffs' contention that their multiple communications with the Township dating back to 2020 collectively constitute substantial compliance.

First, the doctrine of substantial compliance is narrowly applied and only to cure technical deficiencies in otherwise timely and written notice. D.D. v. Univ. of Med. & Dentistry of N.J., 213 N.J. 130, 159 (2013). Here, there was no attempt to comply; instead Plaintiffs are simply attempting to circle back to try to cobble together a Tort Claims notice from past communications, the majority of which occurred more than two years prior to the filing of the original Complaint and thus would be related to time-barred claims.

Second, the New Jersey Supreme Court in H.C. Equities, LP v. County of Union, specifically held that a plaintiff's multiple, discrete communications – sent at different times and to different recipients – is inconsistent with the design of the notice requirements of the Tort Claims Act and thus cannot arise to substantial compliance. 247 N.J. 366 (2021) The Court observed that a ruling that multiple documents can collectively constitute effective notice of a tort claim invites the very confusion that the Act was intended to avoid. Id. at 387. This would be particularly so in the within matter where, again, most of the cobbled-together communications occurred more than two years prior to the suit filing.

We look forward to discussing these matters.

Respectfully submitted,

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